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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 11-0329 SBA  
15 Plaintiff, )  
16 v. )  
17 DUSTIN MICHAEL BURT, )  
18 Defendant. )  
19 )  
STIPULATION AND ORDER TO  
CONTINUE STATUS CONFERENCE  
AND TO EXCLUDE TIME FROM  
SEPTEMBER 15, 2011 TO  
OCTOBER 17, 2011

20 The parties agreed by stipulation, and the Court ordered, for a status conference to be  
21 held on September 27, 2011, in order to allow adequate time for the defense to investigate the  
22 charged offenses, collect criminal history records, and research a potential motion related to eye-  
23 witness identification. On September 14, the Court rescheduled the September 27 hearing to  
24 September 30, 2011. However, government counsel will be out of town on that date and  
25 unavailable to attend the hearing. In light of that and the defense's need for additional time to  
26 effectively prepare the case, with the agreement of counsel for both parties and the defendant,  
27 the parties now stipulate and ask the Court to find and hold as follows:

**28** 1. The status conference set for September 30, 2011 shall be rescheduled to October 17,

**ORDER CONTINUING HR'G AND EXCLUDING TIME  
CR 11-0329 SBA**

1 || 2011 at 10:00 a.m.

2       2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C.  
3       § 3161, from September 15, 2011 to October 17, 2011. Failure to grant the requested  
4       continuance would unreasonably deny defense counsel reasonable time necessary for effective  
5       preparation, taking into account the exercise of due diligence and the need for defense counsel to  
6       continue to conduct investigation and research in the case, and would deny the government  
7       continuity of counsel.

8           3. Given these circumstances, the Court finds that the ends of justice served by  
9 excluding the period from September 15, 2011 to October 17, 2011, outweigh the best interest of  
10 the public and the defendant in a speedy trial and filing of an indictment or information. 18  
11 U.S.C. § 3161(h)(7)(A).

12       4. Accordingly, and with the consent of the defendant, the Court orders that the period  
13 from September 15, 2011 to October 17, 2011, be excluded from Speedy Trial Act calculations  
14 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

16 IT IS SO STIPULATED.

**18** DATED: September 15, 2011

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/s/  
**ANGELA HANSEN**  
Counsel for Dustin Michael Burt

**21** | DATED: September 15, 2011

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/s/  
BRIAN C. LEWIS  
Assistant United States Attorney

## **24** IT IS SO ORDERED.

DATED: 9/15/11

Saudra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

**ORDER CONTINUING HR'G AND EXCLUDING TIME  
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